

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alastair Hodges
Application No: 10/624,746
Filing Date: July 22, 2003
Entitled: ELECTROCHEMICAL CELL
Atty. Docket No: 104978-6

Group Art Unit: 1753

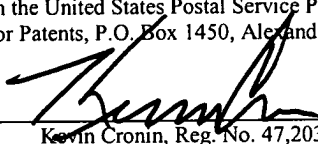
Examiner: Alexander Noguerola

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

December 28, 2005

By:


Kevin Cronin, Reg. No. 47,203

Date of Signature and Mail Deposit

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

LifeScan, Inc. states that it is the assignee of the entire right, title, and interest in the above-referenced U.S. Patent Application No. 10/624,746, filed on July 22, 2003 for "Electrochemical Cell," and in U.S. Patent No. 6,284,125 of Hodges et al., by virtue of the following:

- (1) an Assignment of Application No. 08/981,385, now U.S. Patent No. 6,284,125, recorded at Reel 009126, Frame 0555 from all inventors to Memtec America Corporation;
- (2) an Assignment of Application No. 08/981,385, now U.S. Patent No. 6,284,125, recorded at Reel 009349, Frame 0123 from Memtec America Corporation to USF Filtration and Separations Group, Inc.;
- (3) an Assignment of Application No. 08/981,385, now U.S. Patent No. 6,284,125, recorded at Reel 013221, Frame 0777 from USF Filtration and Separations Group, Inc. to LifeScan, Inc.; and
- (4) the claim of priority of 10/624,746 to Application No. 08/981,385, now U.S. Patent No. 6,284,125 and the above referenced assignment records.

The owner, LifeScan., hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,284,125, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,284,125, this agreement to run

01/03/2006 CCHAUI 00000050 10624746 130.00 OP
02 FC:1814

with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,284,125 in the event that this patent later lapses for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned has reviewed the evidentiary documents pertaining to the rights of owner to file this Disclaimer and certifies that, to the best of his knowledge and belief, title to the above-identified application is in the owner. The undersigned, as an attorney of record for the owner, is authorized to execute this document on behalf of the owner.

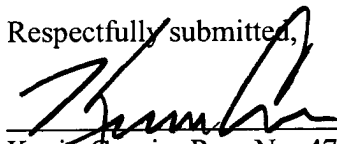
The undersigned has reviewed the evidentiary documents pertaining to the rights of owner to file this disclaimer and certifies that, to the best of his knowledge and belief, title to the above-identified application is in the owner. The undersigned, as an attorney of record for the owner, is authorized to execute this document on behalf of the owner.

A check in the amount of \$130.00, due pursuant to 37 CFR § 1.20(d), is enclosed herewith. The Commissioner is further authorized to charge any additional fees due to Deposit Account No. 141449 (reference number 104978-6).

Dated: December 28, 2005

NUTTER, McCLENNEN & FISH, LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02110
Telephone: (617) 439-2194
Facsimile : (617) 310-9194

Respectfully submitted,



Kevin Cronin, Reg. No. 47,203
Attorney for Applicants